

ASSEMBLY BILL

No. 1513

Introduced by Assembly Member Niello

February 23, 2007

An act to amend Section 7232 of the Revenue and Taxation Code, and to amend Section 34621 of the Vehicle Code, relating to motor carriers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, as introduced, Niello. Motor carriers: permits.

Existing law requires a motor carrier of property to pay an initial and renewal permit fee to the Department of Motor Vehicles, except for a motor carrier of property engaged solely in interstate or foreign transportation of property by motor vehicle.

This bill would update reference to applicable federal law relating to interstate or foreign transportation of property by motor vehicle.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7232 of the Revenue and Taxation Code
- 2 is amended to read:
- 3 7232. (a) Every motor carrier of property shall annually pay
- 4 a permit fee to the Department of Motor Vehicles. The fees
- 5 contained in this section are due and shall be paid by each carrier
- 6 at the time of application for an initial motor carrier permit, and
- 7 upon annual renewal, with the Department of Motor Vehicles,
- 8 pursuant to the Motor Carriers of Property Permit Act, as set forth

1 in Division 14.85 (commencing with Section 34600) of the Vehicle
2 Code. The Department of Motor Vehicles may, upon initial
3 application for a motor carrier permit, assign an expiration date
4 not less than six months, nor more than 18 months, from date of
5 application, and may charge one-twelfth of the annual fee for each
6 month covered by the initial permit. The fee paid by each motor
7 carrier of property shall be based on the number of commercial
8 motor vehicles operated in California by the motor carrier of
9 property.

10 (b) As used in this chapter, “motor carrier of property” means
11 any person who operates any commercial motor vehicle as defined
12 in subdivision (d). “Motor carrier of property” does not include a
13 household goods carrier, as defined in Section 5109 of the Public
14 Utilities Code, a household goods carrier transporting used office,
15 store, and institution furniture and fixtures under its household
16 goods carrier permits pursuant to Section 5137 of the Public
17 Utilities Code, persons providing only transportation of passengers,
18 or a passenger stage corporation transporting baggage and express
19 upon a passenger vehicle incidental to the transportation of
20 passengers.

21 (c) As used in this chapter, “for-hire motor carrier of property”
22 means a motor carrier of property, as defined in subdivision (b),
23 who transports property for compensation.

24 (d) As used in this chapter, “commercial motor vehicle” means
25 any self-propelled vehicle listed in subdivisions (a), (b), (f), (g),
26 and (k) of Section 34500 of the Vehicle Code, any motor truck of
27 two or more axles that is more than 10,000 pounds gross vehicle
28 weight rating, and any other motor vehicle used to transport
29 property for compensation. “Commercial motor vehicle” does not
30 include vehicles operated by household goods carriers, as defined
31 in Section 5109 of the Public Utilities Code, vehicles operated by
32 household goods carriers to transport used office, store, and
33 institution furniture and fixtures under their household goods carrier
34 permit pursuant to Section 5137 of the Public Utilities Code, pickup
35 trucks as defined in Section 471 of the Vehicle Code, two-axle
36 daily rental trucks with gross vehicle weight ratings less than
37 26,001 pounds when operated in noncommercial use or a motor
38 truck or two-axle truck trailer operated in noncommercial use with
39 a gross vehicle weight rating (GVWR) of less than 26,001 pounds

1 used solely to tow a camp trailer, trailer coach, fifth wheel travel
2 trailer, or utility trailer.

3 (e) The “number of commercial motor vehicles operated by the
4 motor carrier of property” as used in this section means all of the
5 commercial motor vehicles owned, registered to, or leased by the
6 carrier. For interstate and foreign motor carriers of property the
7 fees set forth in subdivision (a) shall be apportioned based on the
8 percentage of fleet miles traveled in California in intrastate
9 commerce. In the absence of records to establish intrastate fleet
10 miles, the fees set forth in subdivision (a) shall be apportioned on
11 total fleet miles traveled in California.

12 (f) For purposes of this chapter, “private carrier” means a motor
13 carrier of property, as defined in subdivision (b), who does not
14 transport any goods or property for compensation.

15 (g) (1) Fees contained in this chapter shall not apply to a motor
16 carrier of property while engaged solely in interstate or foreign
17 transportation of property by motor vehicle. ~~No~~A motor carrier
18 of property shall *not* engage in any interstate or foreign
19 transportation of property for compensation by motor vehicle on
20 any public highway in this state without first having registered the
21 operation with the Department of Motor Vehicles or with the
22 carrier’s base registration state, if other than California, as
23 determined in accordance with final regulations issued ~~by the~~
24 ~~Interstate Commerce Commission pursuant to the Intermodal~~
25 ~~Surface Efficiency Act of 1991 (49 U.S.C. Sec. 11506) pursuant~~
26 ~~to the Federal Unified Carrier Registration Act of 2005~~
27 ~~(P.L.109-59)~~. To register with the Department of Motor Vehicles,
28 carriers specified in this subdivision shall comply with the
29 following:

30 (A) When the operation requires authority from the ~~Interstate~~
31 ~~Commerce Commission under the Interstate Commerce Act~~
32 ~~Federal Motor Carrier Safety Administration under the Federal~~
33 ~~Unified Carrier Registration Act of 2005 (P.L.109-59)~~, or authority
34 from another federal regulatory agency, a copy of that authority
35 shall be filed with the initial application for registration. A copy
36 of any additions or amendments to the authority shall be filed with
37 the Department of Motor Vehicles.

38 (B) If the operation does not require authority from the ~~Interstate~~
39 ~~Commerce Commission under the Interstate Commerce Act~~
40 ~~Federal Motor Carrier Safety Administration under the Federal~~

1 *Unified Carrier Registration Act of 2005 (P.L.109-59)*, or authority
2 from another federal regulatory agency, an affidavit of that exempt
3 status shall be filed with the application for registration.

4 (2) The Department of Motor Vehicles shall grant registration
5 upon the filing of the application pursuant to applicable law and
6 the payment of any applicable fees, subject to the carrier's
7 compliance with this chapter.

8 (3) This subdivision does not apply to household goods carriers,
9 as defined in Section 5109 of the Public Utilities Code, and motor
10 carriers engaged in the transportation of passengers for
11 compensation.

12 SEC. 2. Section 34621 of the Vehicle Code is amended to read:

13 34621. (a) The fee required by Section 7232 of the Revenue
14 and Taxation Code shall be paid to the department upon initial
15 application for a motor carrier permit and for annual renewal.

16 (b) An application for an original or a renewal motor carrier
17 permit shall contain all of the following information:

18 (1) The full name of the motor carrier; any fictitious name under
19 which it is doing business; address, both physical and mailing; and
20 business telephone number.

21 (2) Status as individual, partnership, owner-operator, or
22 corporation, and officers of corporation and all partners.

23 (3) Name, address, and driver's license number of
24 owner-operator.

25 (4) California carrier number, number of commercial motor
26 vehicles in fleet, interstate or intrastate operations, State Board of
27 Equalization, federal Department of Transportation or ~~Interstate~~
28 ~~Commerce Commission~~ *the Federal Motor Carrier Safety*
29 *Administration* number, as applicable.

30 (5) Transporter or not a transporter of hazardous materials or
31 petroleum.

32 (6) Evidence of financial responsibility.

33 (7) Evidence of workman's compensation coverage, if
34 applicable.

35 (8) Carrier certification of enrollment in the biennial inspection
36 of terminals (BIT) program under subdivisions (e) and (h) of
37 Section 34501.12, unless otherwise exempted.

38 (9) Carrier certification of enrollment in a controlled substance
39 and alcohol use and testing (CSAT) program required under
40 Section 34520, unless otherwise exempted.

- 1 (10) Any other information necessary to enable the department
- 2 to determine whether the applicant is entitled to a permit.

O